

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 21-cv-369-BCB-SMB
)	
BNSF RAILWAY COMPANY,)	Expedited Hearing Request
)	
Defendant.)	

**PLAINTIFF EEOC’S MOTION FOR TEMPORARY
RESTRAINING ORDER, PRELIMINARY INJUNCTION,
AND EXPEDITED HEARING**

Pursuant to Fed. R. Civ. P. 65, Plaintiff Equal Employment Opportunity Commission (EEOC) moves the Court to enter a temporary restraining order under Fed. R. Civ. P. 65 to restore the *status quo ante*, immediately returning Rena Merker to work and prohibiting BNSF from retaliating against employees who cooperate with or provide information to the EEOC in support of this lawsuit. The EEOC further asks this Court to set a briefing schedule and an expedited evidentiary hearing on EEOC’s Motion for Preliminary Injunction. In support of this Motion, EEOC has filed a supporting brief contemporaneously with this Motion, as required by NECivR 7.1(a)(1)(A).

WHEREFORE, EEOC respectfully requests the Court to enter a temporary restraining order (1) reinstating Rena Merker to her job as a BNSF Conductor under the same terms and conditions as she was employed prior to March 29, 2022; (2) prohibiting BNSF from taking or threatening discretionary adverse employment actions against Merker, other female employees, or any BNSF employee who seeks to cooperate with or provide information to the EEOC or participate in this lawsuit as a potential aggrieved

individual or a witness; (3) requiring BNSF to publicize the Court's order to all employees at the Alliance, Nebraska facility to ensure they are aware of the protection granted by the order; (4) set a briefing schedule on EEOC's motion for preliminary injunction; and (5) schedule an expedited hearing in this matter.

Submitted this 14th day of April, 2022,

s/Lauren W. Johnston

Lauren W. Johnston, OK Bar No. 22341
Equal Employment Opportunity Commission
Oklahoma City Area Office
215 Dean A. McGee Ave., Suite 524
Oklahoma City, OK 73102
Phone: (405) 666-0379
Fax: (314) 539-7895
lauren.johnston@eeoc.gov

s/Lisa C. Stratton

Lisa C. Stratton, MN Bar No. 236858
Equal Employment Opportunity Commission
Kansas City Area Office
400 State Ave., Suite 905
Kansas City, KS 66101
lisa.stratton@eeoc.gov
Phone: (913) 359-1809
Fax: (314) 539-7895
Attorneys for Plaintiff EEOC

Certificate of Service

I certify that on April 14, 2022, this document was filed with the Clerk of Court and, by operation of the ECF system, a copy served on:

Bryan P. Neal bryan.neal@hklaw.com, jerry.graham@hklaw.com,
mary.caswell@hklaw.com, sherri.rodgers@hklaw.com

Lily L. Ealey lealey@ldmlaw.com

Nichole S. Bogen nbogen@ldmlaw.com, ldmnotices@ldmlaw.com, lealey@ldmlaw.com,
sseeba@ldmlaw.com

s/Lauren W. Johnston

Attorney for Plaintiff EEOC